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ABSTRACT

Throughout this century, there have been numerous attempts to give substance and effective existence to the rights of children in armed conflicts. Humanitarian law dictates that, as civilians, children will not be targets in war, nor will they be used as soldiers. Neither of these rights has ever been implemented. Children are victims of war by indiscriminate attacks or by strategy. Children are used as soliders. The victims of wars in this century have increasingly become civilians, much of this increase due to the facts that conflicts are no longer fought on battlefields and that conflicts are often civil wars. Children may be singled out because of their high value to the society. Children are currently being used as soldiers in at least 20 ongoing conflicts. Child soldiers may be reluctant participants at first, but their fear and guilt may be transformed into rage. Rights proclaimed for children in the Geneva Convention of 1949 have not been followed. No viable structure exists for reporting violations of children's rights. The International Convention on the Rights of the Child, when completed, will provide a stronger and more precise legal instrument than a declaration, and will bring all humanitarian legislation on the rights of children into one document. To be of value this legislation needs public support, adherence, and monitoring. Without greater recognition and compliance, any right possessed by a child is not worth very much. (ABL)

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CHILDREN IN ARMED CONFLICTS: RIGHTS, REALITY AND FUTURE IMPLICATIONS

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Children in Armed Conflicts: Rights, Reality and Future Implications

By: Neil Boothby, Ed.D.

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Throughout this century, there have been numerous attempts to give substance and effective existence to the rights of children in armed conflicts. The 1948 Universial Declaration of Human Rights, The Geneva Convention of 1949 and the added Protocols of 1977, the special Declaration on the Protection of Women and Children in Emergencies and Armed Conflicts adopted by the UN General Assembly in 1974, and the ongoing drafting of an international Convention on the Rights of the Child are but examples of these legislative efforts. Taken as a whole, humanitarian law offers two fundamental assurances to children in armed conflicts: one, as civilians, they will not be targets in any given war; and two, as children, they will not be recruited or used as soldiers by either side of an armed conflict.

In reality, however, neither of these basic rights have ever been implemented. The overwhelming majority of victims in today's wars are, in fact, children. While most of these fatalities result from indiscriminate bombings or attacks on cities and villages, others do not. Rather, with increasing frequency, adolescents, young boys and girls and infants are singled-out, injured and killed as matter of calculated strategy. Moreover, tens of thousands of children are currently bearing arms in at least 20 ongoing conflicts. Even children as young as nine years-old are used as frontline combatants in unwinnable battles, as decoys to lure

opposing forces into ambush and as human mine dectors to explode bombs in front of advancing adult troops.

Children As Targets:

Among the casualties in the First World War only five percent were civilians; in the Second World War that figure rose to 50 percent. By the Vietnamese war, the civilian death toll reached the 80 percent mark, only to be eclipsed by current day conflicts, such as in Lebanon, in which over 90 percent of the victims are women and children. Indeed, in the 150 wars since 1945, 15 of 20 million recorded deaths have been civilians. Three times that many have been left physically or mentally handicapped. Almost all of these conficts have taken place in the third world, and the majority of victims were mothers and children from the poorest social classes in predominately rural areas and small towns.(1)

Much of this increase in civilian fatalities is due to the fact that conflicts are no longer fought on battlefields by opposing armies. Ever since the Spanish Civil War, when a plane dropped a bomb on a civilian population for the first time, wars have been total, waged against home fronts as well. Weapons have become increasingly capable of massive destruction and targets can now be obliterated from much greater distances. The nuclear bomb marked the culmination of this development towards the most extreme ruthlessness, towards destruction without limit.

Another contributing factor is that the nature of conflict is changing as well. Of the military operations now taking place in approximately 40 countries, only one is an "international" war between two nations. The rest are internal conflicts even though intervention of foreign powers has

often occurred. In these civil wars, rebel or insurgent combatants often seek to camouflage themselves within the larger civilian population and, in many instances, by forceably recruiting women and children into their cause. Counterinsurgency tactics, now based on the concept of "total war," respond by destroying whole regions of the countryside in an effort to undermine the economic base and morale of civilian populations and to expose the cover and strength of enemy forces. Rather than attempting to distinguish civilian from combatant, entire villages are massacred and survivors relocated to zones controlled by government troops. This is what took place in Vietnam and what is now occuring in a number of other Asian, African and Central American countries.

But not always are these deaths the result of negligent bombings and indiscriminate attacks. Rather, children of all ages are being injured and killed as a matter of planned actions. Recent human rights reports from Afganistan, for example, note how government soldiers and Soviet troops are employing bombs disguished as toys.(2) These small bombs, made to look like butterflies, pens, and other toy-like objects, are placed in communities suspected of aiding rebel forces. Photographs taken by doctors and nurses depict boys and girls whose arms have been blown-off up to their elbows by what they thought were objects of play. The fact that these bombs are shaped like toys, items a young child would readily pick-up, clearly indicates who the intended victims are.

Between 1982 and 1984, the Guatemalan army [by its own determination] destroyed 440 Indian villages and killed between 30,000 and 50,000 men, women and children during its military campaign against the guerrilla movement in the countryside.(3) Yet, in the midst of this violence

directed at Indians as a whole, children in a number of villages were tortured and killed while their adult counterparts were left physically unharmed. In some cases, these victims were older boys and adolescents whom the military thought were or might someday become guerrilla soldiers. Others, however, were babies and toddlers still too young to leave their mothers' side. This is how one 24 year-old Mayan Indian mother described to me the deaths of seven children in her highland village:

> At first we didn't think there would be trouble because a few days before another group of soldiers had questioned us about giving food to the guerrillas. When we told them it happened once and only because the guerrillas had threated us, they went away. But this time the soldiers said we had to be punished. They pushed five boys forward, made them lie face-down on the ground and shot them in the back. A baby girl was then pulled from her mother's arms and her skull crushed against the side of a house. The last death occured when a soldier cut open the stomach of a pregnant woman saying that even our unborns will not be spared.(4)

Why? Why are children, the future of any community, if not of the world itself, being singled-out in today's armed conflicts? As paradoxical as it may be, this is occuring precisely because children are so precious to many of us. To destroy what is of highest value to someone is clearly among the most effective forms of terrorism imaginable; to kill and injure children is to rob a family or an entire group of its future. What better way to undermine whatever popular support may exist for any given cause than to attack the very beings we love and value most in life?

Child Soldiers

International humanitarian law prohibits the participation in hostilities of children under the age of 15 years and urges that, when recruitment takes place within the 15-18 age group, the older children in this category be enlisted first.(5) These age distinctions approximate what is know in general about children's developmental limitations and capacities, including their differing abilities to make reasoned and informed judgements. Despite this legislation, there are at least 20 countries in which children from 10 to 18 years of age are involved in civil wars, armies of liberation and even international war.(6) Recruitment of child soldiers often has been associated with heavy indoctrination programs that merge the call to duty with national or religious symbols, drawing upon the media and the educational system to embellish war. Such is the case in Iran where, after receiving special religious training in martyrdom, thousands of 10 and 11 year-old children have been sent-off to their deaths literally carrying the keys they were given "insuring" their entrance into paradise.(7) Even physically handicapped children have been recruited to walk in front of Iranian tanks.

The lack of food and protection has also turned many a child into a soldier. Beginning in late 1979, relief agencies provided special group homes and services to "unaccompanied" Cambodian children who managed to reach holding centers inside Thailand. These same programs, however, were not established for parentless children in border camps. As a result, many fell prey to the recruitment campaigns of Khmer resistance armies still battling Vietnamese troops.(8) In Uganda, where between 100,000 and

300,000 people have died during the past three years alone, children in national and revolutionary armies are often better fed and protected than non-combatant youth. "I have a gun, food and a place to sleep," one nine year-old Ugandan soldier recently told a relief worker. "That's more than I had in my village. If I stayed there I'd probably be dead by now."(9) In 1982, a photographer caught an American Green Beret training thirteen year-old boys for combat in Honduras. When asked why this was permitted, a government official answered in much the same way: "Sometimes it's their only chance for a job, a paycheck and a square meal."(10)

Children also have been expected to commit violent murders against unarmed civilians as a kind of rights of passage into combat forces. During "la violencia" in Colombia, for example, Leon Carlos discovered that several boys were forced to kill other children of similar ages in order to save their own lives and enter into para-military groups, acts most undertook only after severe beatings.(11) Indeed, child soldiers who have committed similar crimes against civilians in Kampuchea, Uganda, El Salvador, and other countries in crisis usually have not succumbed to "instictual" aggression, as did the group of British boys portrayed in Lord of the Flies when stranded too long from adults. Rather, many child soldiers were reluctant participants at first, whose initial feelings of fear and guilt were transformed into the kind of rage that obiterates moral sensibility under the watchful eye of adult overseers. As one Khmer Rouge leader put it: "It usually takes a little time but eventually the younger ones become the most efficient soldiers of all."(12)

As a psychologist, I was able to follow the progress of several teenagers who left the Khmer Rouge cadre in 1981 and entered a holding

center for displaced persons in Thailand. Initially, there was a striking absence of depression or remorse over the atrocities they had committed. Instead, they appeared to view themselves as being superior to other Cambodians in camp, whom they sometimes described as "traitors" of Pol Pot's revolution. Although this attitude kept them socially isolated, there was still an appropriate degree of logic and order to their thought and speech. It was only when they felt more compelled to re-enter the social and moral world of fellow Cambodians, that their sense of reality became grossly distorted.

After a month in camp, four out of the five boys become deathly afraid they were being persecuted by other residents who they believed were now able to "listen" to their thoughts and feelings. One 15 year-old began hearing two voices "arguing with each other inside my head." The first was the voice of a Khmer Rouge leader who was angry because he had disserted; the second that of a Buddhist priest who "says even when I die I'll be punished for what I've done." Another 13 year-old saw visions in which the intestines of one of his victims turned into snakes. Eventually these hullucinations subsided, but none of these former child soldiers ever displayed the same recuperative powers I so often observed in other Cambodian children.(13) It may very well be that psychological disturbance is greater among children who perpectuate violence than among those who are victims of it.

Lessons Learned

In looking at why the basic rights of children in armed conflicts are routinely violated, we might begin with the observations of Simone Weil, a wonderfully luminous Frenchwoman who, shortly after World War II, wrote:

> A right is not effectual by itself, but only in relation to the obligation to which it corresponds, the exercise of a right springing not from the individual who possess it, but from other men who consider themselves as being under a certain obligation toward him. Recognition of an obligation makes it effectual. An obligation which goes unrecognized by anyone loses none of the full force of its existence. A right which goes unrecognized by anybody is not worth very much.(14)

In other words, we have failed to keep these basic promises to children, not because we lack sufficient legislation, but because we lack the will and the means to implement this legislation. While most countries have signed and ratified the Geneva Conventions, few have abided by these principles when directly involved in war themselves or when providing military support to other embattled nations. On the other hand, less than 30 countries have formally agreed to uphold the 1977 Geneva Protocols, which setforth the strongest prohibitions against the use of children in armed conflicts. Moreover, seven of these signatories have since recruited or trained under-aged children for combat.(15)

Equally problematic, at times, is that despite all the past tragedies, there is still no viable structure for safeguarding and reporting on children's rights. In war and refugee situations, the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR) have mandates to do so. But normally both agencies

undertake their tasks through quiet diplomacy with national governments, whose cooperation is seen as essential, especially when operating in countries which have not ratified their respective conventions and protocols. Critics suggest this tactic sometimes leads to silent bargins with major rights violators whereby protection issues can neither be aggressively pursued nor publically disclosed.(16) Non-governmental relief agencies, which often provide emergency assistance directly to children, are also caught in this bind. As invited "guests" of the governments in many of the countries in which they work, their programs could be shut-down and personnel endangered or expelled should they protest too loudly.

Future Implications

These lessons are particularly pertinent as we anticipate the completion of the international Convention on the Rights of the Child. Those who have been drafting this document since 1978 believe it will have two main advantages over previous legislation: first, as a convention it will be a stronger and more percise legal instrument than a declaration; and second, unlike other conventions, it will bring all humanitarian legislation on the rights of children into one document, including those pertaining to armed conflicts.

But whatever potential advantage this child-centered piece of legislation may have will not be realized unless it is recognized by more countries than in the past and adhered to by all with a greater sense of obligation. The first steps in attaining better results are to strengthen public support for the Rights of the Child and to lobby with governments to include its basic tenets as a top priority in their national programs.

Protection and relief agencies must also begin devising a system whereby the state of children in armed conflicts will be more effectively monitored and reported in the future. Indeed, without greater recognition and compliance, any right possessed by a child is not worth very much.

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